

REMARKS

Upon entry of the present amendment, claims 1-6, 8-10, 12, and 14-22 are pending in the application, of which claims 1, 8 and 18 are independent.

The applicant gratefully acknowledges the Examiner's indication that claims 18-21 have been allowed. Claims 1, 2, 4-6, 8, 9, and 12-17 have been rejected by the Examiner, and claims 3 and 10 were objected to.

Claim Objections

In the above-identified Office Action, the Examiner objected to claims 8-10, 12, and 15-16 due to an informality. Claim 8, line 3, has been amended herein, per the suggestion of the Examiner, to replace the phrase "a vehicle body" with --the vehicle body--. The applicant considers the objection to claims 8-10, 12, and 15-16 to be obviated by this amendment.

Claim Rejections – 35 USC 102

Also in the above-identified Office Action, the Examiner rejected Claims 1, 2, 5, 6, 8, 9, 12, and 14-17 under 35 USC 102(e) as anticipated by Nakanishi (US 6,450,459). The Examiner states that, with respect to claims 1 and 8, Nakanishi discloses a vehicle fuel and brake pipe clamp 1 composed of conductive synthetic resin for coupling the fuel pipes 22, 23 and brake lines 19-21 and attached to a vehicle body, wherein the conductive clamp is separate and spaced apart from the vehicle body panel 5 (figs 1-5, col 2, lines 33-37).

The applicant has reviewed this rejection and respectfully disagrees with the Examiner, especially with respect to the rejection of claims 1, and 8, which recite "the conductive clamp being a *unitary* member". This is clearly not shown by Nakanishi who discloses a faster which includes a pipe holder, and a electrical connection member which is removably attached to the pipe holder (col. 2, lines 38 and 39). Nakanishi teaches an assembly of these components, rather than a unitary

piece, so that the pipe holder can be fabricated of a material having sufficient strength to function properly without being too rigid or brittle, and so that the electrical connection member can be formed of any suitable electrical conducting material without requirements of providing structural support (col 5, line 51-68). Because the faster disclosed by Nakanishi is clearly an assemblage of two separable components, the fastener disclosed by Nakanishi does not anticipate the applicant's unitary conductive clamp.

Further, the pipe fastener disclosed by Nakanishi is not supported by the fuel pipe and the second pipe, as further recited in claim 1. Rather, the pipe fastener disclosed by Nakanishi provides support to the fuel pipe, and secures it to the vehicle body panel 5. Because the fastener disclosed by Nakanishi is clearly not supported by the fuel pipe, but is instead supported by stud 6 which is fixed to the body panel 5; the fastener disclosed by Nakanishi does not anticipate the applicant's clamp, which is supported by the pipe.

Even further, the pipe fastener disclosed by Nakanishi is not separate and spaced apart from the vehicle body, as recited in claims 1 and 8. The pipe fastener disclosed by Nakanishi is secured to the vehicle body panel 5 using stud 6 so that the fastener as a whole is in direct contact therewith. As regards the second and third embodiments disclosed by Nakanishi, any electrostatic charge is directly discharged to the vehicle body by the body panel contact portion 41, 45 of the electrical conducting member (col. 6, lines 43-48 and col. 7 lines 9-23).

Claim Rejections – 35 USC 103

Further in the above-identified Office Action, the Examiner rejected Claim 4 under 35 USC 103(a) as unpatentable over Nakanishi, as applied to claim 1. The Examiner states that Nakanishi does not disclose the resin as being carbon black, and that it would have been obvious to use carbon black to make the clamp in order to achieve a desired strength and resistance to temperature.

The applicant respectfully disagrees with, and traverses this ground of rejection. Because the applicant does not agree with the rejection of claim 1 under Nakanishi, for the reasons discussed above, and because claim 4 depends from claim 1, claim 4 is also considered to be in condition for allowance.

Other Matters

The Examiner was contacted telephonically on October 12, 2004 and the present claims were discussed with respect to Nakanishi. Specifically, the language of "unitary" was discussed with respect to Nakanishi which clearly discloses a faster that is comprised of two components, a pipe holder and electrical connection element. The Examiner agreed that the Nakanishi device was not shown as unitary in the figures, but thought that a reference to being unitary was provided in the written description. However, the text of this reference has since been carefully reviewed and no such disclosure is provided with respect to the invention of Nakanishi. The background section of the disclosure does discuss prior art brackets for fastening a pipe to the vehicle body made of electrical conducting resin. However, the background section is silent as to whether the prior art devices are unitary. Further, these devices are clearly different from the applicant's because they are configured to be fixed to the vehicle body itself. Note that one reference cited in this section is described as "entirely surrounds the pipe" rather than being clamped thereto. As a result, the applicant does not consider the feature of a unitary clamp to be anticipated by Nakanishi.

The proposed language "self supporting" was discussed with the Examiner, but in the Examiner's opinion, the wings 17 disclosed by Nakanishi would allow Nakanishi to be self supporting if desired. While the wings 17 may, in fact secure the pipe holder 2 to the pipes, Nakanishi's pipe fastener 1 is nonetheless fixed to the body panel 5 via the stud 6 according to

Nakanishi's disclosure, while the fastener 1 (again) is formed of multiple components 2, 3, 6.

The language "separate and spaced apart" found in claims 1 and 8 was discussed, with respect to Nakanishi being bolted to the vehicle body. The Examiner stated that he would look favorably upon language which replaced "spaced apart" with something such as "not in contact with" or "not directly attached to". The following language was suggested: the "entire clamp...not in contact with...allowing electrical charge to discharge at a point distant from the clamp."

New independent claim 22 has been added to the application herein which incorporates the language suggest by the Examiner. Specifically, claim 22 recites that "the entire conductive clamp is separate from and not in contact with the vehicle body allowing electrical charge to discharge at a location distant from the nonconductive clamp". This feature is not disclosed or suggested by the prior art reference, and is fully supported by the original specification. Thus, claim 22 is considered to be in condition for allowance.

The applicant notes that although claims 3 and 10 are objected to by the Examiner, they are not currently listed as rejected under the prior art. As a result, it is applicant's understanding that claims 3 and 10 include patentable subject matter.

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.


If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

The Commissioner is hereby authorized to charge the \$200.00 fee for filing of one additional independent claim in excess of three, as well as any deficiency which may be required during the entire pendency of the application, or to credit any excess paid during the entire pendency of the application, to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. A duplicate copy of this sheet is enclosed.

Favorable reconsideration is respectfully requested.

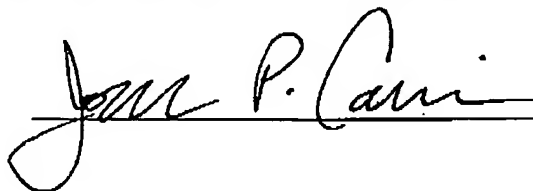
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to Examining Group 3618 of the United States Patent and Trademark Office on January 4, 2005, at the number (703) 872-9306.



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